

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	}	CRIMINAL ACTION NO. 04-10235-MLW
	}	
V.	}	
CORY HUBBARD	}	
DEFENDANT	}	

**DEFENDANT CORY HUBBARD'S ASSENTED TO MOTION FOR EXTENSION
OF SCHEDULING DEADLINE AND FOR A PRE-PLEA PREPARATION OF
PRESENTENCE REPORT**

Now comes the Defendant, Cory Hubbard, by and through his counsel, Frank D. Camera, and hereby requests this Court extend the deadlines set forth in its Scheduling Order dated February 15, 2006. Mr. Hubbard, with the assent of the Government, requests that the deadline be extended in order for a pre-sentence report be prepared at this time and prior to a possible change of plea. Berthoff v. United States, 140 F.Supp.2nd 50, 94-95 (D. MA. 2001).

The Defendant is charged with being a felon in possession of a firearm and ammunition, as described in 18 U.S.C. §922(g)(1). There is a possibility that due to Mr. Hubbard's prior criminal record, including his juvenile record, the penalty could be a mandatory minimum of fifteen years (180 months) under 18 U.S.C. § 924(e). An issue will be whether a juvenile (non-youthful offender) adjudication for assault by means of a dangerous weapon will qualify as a "violent felony". Further, there remains the possibility that he will be considered a career offender, however, this issue is also unclear given his record. The opportunity for a pre-plea pre-sentence report will provide the

Defendant with the information that is required in order to assess how to proceed.

Respectfully Submitted,
Cory Hubbard,
By his attorney,

/s/ Frank D. Camera

Frank D. Camera
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Dated: February 19, 2006

CERTIFICATE OF SERVICE

I, Frank D. Camera, hereby certify that I have delivered a true copy of the within document to all parties of record by electronic filing on February 19, 2006.

/s/ Frank D. Camera